

August 16, 2008

Honorable Debra C. Freeman  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Re: Alexis Padilla v. Dale Artus, Superintendent Clinton  
Correctional Facility  
07-CV-05957 (DAB)(DF)

Dear Judge Freeman:

I was appointed as CJA counsel to represent Petitioner in the above captioned matter on January 4, 2008 by Order of this Court dated December 28, 2007. In appointing counsel the Court Ordered that counsel for Petitioner file a Reply to Respondent's brief by February 29, 2008.

Thereafter the Court extended Petitioner's time to file his Reply to August 29, 2008 due to difficulties concerning counsel's ability to acquire the trial transcript upon which the Petition is premised.

Counsel acquired the transcript in late June. However, a heavy briefing schedule during the court of the summer has prevented me from completing review of the transcript and preparation of Petitioner's Reply memorandum. The backlog was created as a consequence of my having been involved in a serious accident last summer which kept me from completing my professional obligation for a two month period. Fortunately, I have regained my health and worked my way through most of the briefing backlog occasioned by my absence from work. I am ready to now tackle this assignment.

Accordingly, I respectfully request that the Court extend Petitioner's time to file a responsive memorandum for 45 days, to October 15, 2008.

I have discussed this request with the Petitioner and he not only consents but urges that on his behalf I request this adjournment so I may be in the best possible position to present his claims to this Court. I apologize to the Court in advance for the necessity of making this request and urge the Court to grant this application so I may comply with my responsibilities.

Hon. Debra C. Freeman  
August 16, 2008  
Page 2

Respectfully submitted,

Alan Nelson

cc: Office of the Attorney General  
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